



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BURTMAN=1A

In re Application of:) Art Unit: 1711
Shlomo YITZCHAIK) Examiner: D. Truong
Appn. No.: 09/966,745) Washington, D.C.
Date Filed: October 1, 2001) Confirmation No. 3709
For: MOLECULAR LAYER EPITAXY...) December 30, 2002

#13608

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

TC 1700 MAIL ROOM
DEC 31 2002

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Replying to Paper No. 5, a restriction requirement mailed December 5, 2002, applicant hereby respectfully and provisionally elects Group I, presently claims 1-26 and 39-56, without traverse and without prejudice. Applicant accepts the PTO ruling that the two inventions are patentably distinct from one another, i.e. each is patentable over the other.

As the election is made without traverse, applicant hereby expressly authorizes the examiner to cancel the non-elected claims by Examiner's Amendment, if the present applicant is otherwise in condition for allowance. The authority to cancel such non-elected claims is made without prejudice to the present invention and without prejudice to

applicant's rights, including those under §121, 120 and 119, to pursue the invention of the non-elected claims in a divisional application without any penalty whatsoever.

Applicant respectfully awaits the results of a first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By



Sheridan Neimark
Registration No. 20,520

SN:jaa

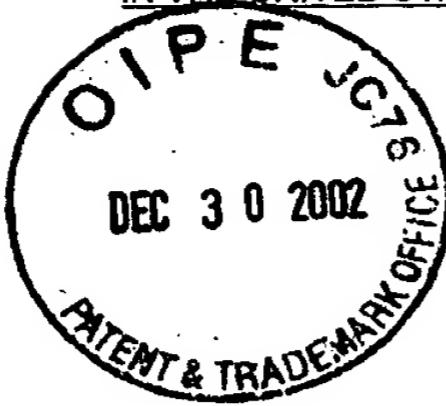
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 Application No.: 09/966,745
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Art Unit: 1711
 Examiner: D. Truong
 Washington, D.C.
 Atty.'s Docket: BURTMAN=1A
 Date: December 30, 2002

THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

[XX] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
 A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20
INDEP.	*	MINUS	*** 3
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 9	\$	x 18	\$
x 42	\$	x 84	\$
+ 135	\$	+ 270	\$
ADDITIONAL FEE TOTAL		TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
 [] Second - \$ 200.00
 [] Third - \$ 460.00
 [] Fourth - \$ 720.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
 [] Second - \$ 400.00
 [] Third - \$ 920.00
 [] Fourth - \$ 1440.00

Month After Time Period Set

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 DEC 31 2002

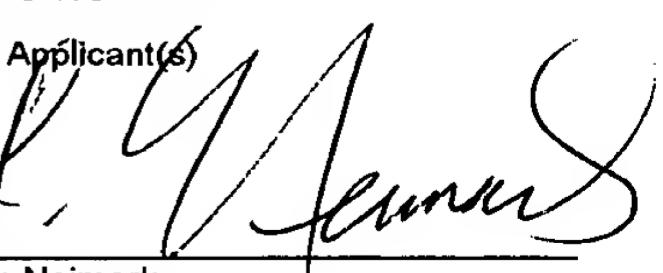
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[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.
 [] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.
 [] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.
 [] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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